

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

AMERICAN COUNCIL OF THE BLIND  
OF INDIANA, INDIANA PROTECTION  
AND ADVOCACY SERVICES  
COMMISSION, KRISTIN FLESCHNER,  
RITA KERSH, and WANDA TACKETT,

Plaintiffs,

v.

INDIANA ELECTION COMMISSION;  
THE INDIVIDUAL MEMBERS of the  
INDIANA ELECTION COMMISSION,  
in their official capacities; INDIANA  
SECRETARY OF STATE, in her official  
capacity, THE INDIANA ELECTION  
DIVISION; and THE CO-DIRECTORS  
OF THE INDIANA ELECTION  
DIVISION, in their official capacities,

Defendants.

Case No. 1:20-cv-3118-JMS-MJD

**PLAINTIFFS' MOTION FOR  
EXPEDITED BRIEFING**

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**PLAINTIFFS' MOTION FOR EXPEDITED BRIEFING**

Plaintiffs, by and through their attorneys, request that this Court grant their motion for expedited briefing on their request for a preliminary injunction. In support of this motion, Plaintiffs state as follows:

1. Plaintiffs have filed a Motion for Summary Judgment and Permanent Injunction, or in the Alternative for Preliminary Injunction, along with a supporting memorandum of law and appendix of exhibits.
2. The Parties and the Court anticipate that Defendants will file a cross-motion for summary judgment, and the Court has established the following schedule for briefing on the

Parties' summary judgment motions (Filing No. 117):

- a. Plaintiffs' motion for summary judgment: May 18, 2022;
  - b. Defendants' cross-motion for summary judgment and response in opposition to Plaintiffs' motion for summary judgment: June 15, 2022;
  - c. Plaintiffs' response in opposition to Defendants' motion for summary judgment and reply in support of Plaintiffs' motion for summary judgment: July 13, 2022;
  - d. Defendants' reply in support of Defendants' motion for summary judgment: July 27, 2022.
3. In their motion for summary judgment, Plaintiffs request a permanent injunction, and alternatively, if the Court finds that summary judgment and a permanent injunction cannot be granted, a preliminary injunction that would allow Plaintiffs to vote privately and independently by absentee ballot in the November 2022 general election and any other elections that occur before the Court can enter final judgment and permanent injunctive relief.
  4. Federal courts are cautioned against issuing injunctions that alter election rules in the period close to an election. Filing No. 99 at 11-13 (*citing Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006)).
  5. Plaintiffs are concerned that the current summary judgment briefing schedule means that the Court will not have sufficient time to rule on Plaintiffs' alternative request for preliminary injunction until too close to the November 2022 general election. This could preclude the Court from granting injunctive relief that would allow Plaintiffs to vote privately and independently by absentee ballot for that election.
  6. Expedited proceedings are appropriate relief in cases relating to elections. *See, e.g.,*

*Judge v. Quinn*, 624 F.3d 352, 357 n.1 (7th Cir. 2010) (noting expedited appeal);

*McCormick v. Zero*, 2 Fed. Appx. 559, 560-61 (7th Cir. 2001) (same); *Newton v. Van-*

*Otterloo*, 944 F.2d 907 (Table), 1991 WL 184060, at \*1 (7th Cir. 1991) (same).

7. For this reason, Plaintiffs request that the Court order expedited briefing on Plaintiffs' alternative request for a preliminary injunction, such that the Court can issue a ruling that provides relief for the November 2022 general election and any other elections that occur before the Court can issue final/permanent injunctive relief.

WHEREFORE, Plaintiffs respectfully request that the Court enter an expedited briefing schedule on Plaintiffs' request for preliminary injunction.

This 18th day of May, 2022.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 18, 2022, the foregoing document was filed electronically with the Clerk of the Court using the CM/ECF System for all parties, and otherwise and notice was provided via e-mail to:

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